

REMARKS

The Applicants have carefully reviewed the Office Action mailed November 1, 2007 (hereinafter "Office Action") and offer the following remarks to accompany the above amendments.

Claims 3-47 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention. The Applicants have amended claims 3-5, 9, 11, 13, 15-17, 21, 23, 27-29, 33, 35, 39, and 40, as noted above. Moreover, regarding claims 4, 16, 28, and 39, these claims have been amended to recite that NAT has been performed on a particular node when a client IP address of the particular node does not match a peer IP address of the particular node. The Patent Office indicated that the Specification suggests the opposite at page 9, ll. 12-17. (See Office Action, pages 3 and 4). The Applicants have amended the Specification as noted above. The Applicants submit that this amendment is consistent with Figure 2, step 108, and with claims 4, 16, 28, and 39, as originally filed. Thus, no new matter has been added. Accordingly, the Applicants submit that claims 4, 16, 28, and 39 are now consistent with the Specification and request that the rejection of claims 3-47 be withdrawn.

Claims 25-36 were rejected under 35 U.S.C. § 101 for failing to define a "computer-readable medium" in the Specification. The Applicants have amended claim 25 as noted above in accordance with the recommendations kindly suggested by the Examiner in the Office Action. As such, the Applicants submit that claims 25-36 are patentable under 35 U.S.C. § 101 and request that the rejection be withdrawn.

Claims 1-7, 9, 13-19, 21, 25-31, 33, and 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0062336 A1 to *Teodosiu et al.* (hereinafter "*Teodosiu*") in view of U.S. Patent No. 6,393,488 B1 to *Araujo* (hereinafter "*Araujo*"). The Applicants respectfully traverse the rejection. More specifically, claim 1 recites a method for optimizing private network file transfers comprising, among other features, "determining by the server that the first and second nodes are part of the same private network," where the first and second nodes are part of a peer-to-peer network. Claims 13, 25, and 37 include similar features. The Applicants submit that none of the references, either alone or in combination, disclose determining by a server that first and second nodes, which are part of a peer-to-peer network, are also part of a same private network. As correctly pointed out by the

Patent Office, *Teodosiu* does not disclose this feature. (See Office Action, page 7). Similarly, *Araujo* does not disclose this feature. Nevertheless, the Patent Office maintains the rejection by indicating that *Araujo* discloses this feature at col. 7, ll. 13-65 and in Figure 5, element number 511. (See Office Action, page 7). The Applicants respectfully disagree. At most, *Araujo* discloses determining if a device resolving a DNS is included in the same LAN as a device initiating a URL request. (See *Araujo*, Figure 5, element number 511 and col. 7, ll. 31-33). However, the Applicants submit that *Araujo* does not disclose that the devices in the same LAN are part of a peer-to-peer network. Accordingly, claims 1, 13, 25, and 37 are patentable over the cited references and the Applicants request that the rejection be withdrawn. Likewise, claims 2-7, 9, 14-19, 26-31, 33, and 38-40, which variously depend from claims 1, 13, 25, and 37, are patentable for at least the same reasons along with the novel features recited therein.

Claims 8, 10, 12, 20, 22, 24, 32, 34, 36, 41, and 43-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Teodosiu* in view of *Araujo* and further in view of U.S. Patent No. 6,636,854 B2 to *Dutta et al.* (hereinafter “*Dutta*”). The Applicants respectfully traverse the rejection. As detailed above, claims 1, 13, 25, and 37, the base claims from which claims 8, 10, 12, 20, 22, 24, 32, 34, 36, 41, and 43-47 variously depend, are patentable over *Teodosiu* and *Araujo*. In addition, *Dutta* does not overcome the previously noted shortcomings of *Teodosiu* and *Araujo*. As such, claims 8, 10, 12, 20, 22, 24, 32, 34, 36, 41, and 43-47 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 11, 23, 35, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Teodosiu* in view of *Araujo* and *Dutta* and further in view of U.S. Patent No. 6,553,310 B1 to *Lopke* (hereinafter “*Lopke*”). The Applicants respectfully traverse the rejection. As mentioned above, claims 1, 13, 25, and 37, the base claims from which claims 11, 23, 35, and 42 respectively depend, are patentable over *Teodosiu*, *Araujo*, and *Dutta*. Moreover, *Lopke* does not address the previously noted shortcomings of *Teodosiu*, *Araujo*, and *Dutta*. As such, claims 11, 23, 35, and 42 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 1, 7, 8, 13, 19, 20, 25, 31, and 44-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of U.S. Patent Application Publication No. 2002/0066026 A1 to *Yau et al.* (hereinafter “*Yau*”). The Applicants respectfully traverse the rejection. In particular, claim 1 recites a method for optimizing private network file transfers comprising,

among other features, “determining by the server that the first and second nodes are part of the same private network,” where the first and second nodes are part of a peer-to-peer network. Claims 13 and 25 include similar features. The Applicants submit that none of the references, either alone or in combination, disclose determining by a server that first and second nodes are part of a same private network, where the first and second nodes are part of a peer-to-peer network. As correctly pointed out by the Patent Office, *Dutta* does not disclose this feature. (See Office Action, page 13). Nonetheless, the Patent Office maintains the rejection by indicating that *Yau* discloses this feature in paragraphs [0018], [0019], [0042], [0067], and [0070]-[0074]. (See Office Action, page 14). The Applicants respectfully disagree. While *Yau* does disclose checking for source clients, which are behind the same firewall as a requesting client, neither of these clients are part of a peer-to-peer network. Accordingly, claims 1, 13, and 25 are patentable over the cited references and the Applicants request that the rejection be withdrawn. In addition, claims 7, 8, 19, 20, 31, and 44-46, which variously depend from claims 1, 13, and 25, are patentable for at least the same reasons along with the novel features recited therein.

Claims 2, 6, 14, 26, 30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of *Yau* and further in view of U.S. Patent No. 6,304,912 B1 to *Oguchi et al.* (hereinafter “*Oguchi*”). The Applicants respectfully traverse the rejection. As discussed above, claims 1, 13, and 25, the base claims from which claims 2, 6, 14, 26, 30, and 32 variously depend, are patentable over *Dutta* and *Yau*. Furthermore, *Oguchi* does not address the previously noted shortcomings of *Dutta* and *Yau*. As such, claims 2, 6, 14, 26, 30, and 32 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 3-5, 9, 10, 12, 15-18, 21, 22, 24, 27-29, and 33-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of *Yau* and *Oguchi* and further in view of *Araujo*. The Applicants respectfully traverse the rejection. As detailed above, claims 1, 13, and 25, the base claims from which claims 3-5, 9, 10, 12, 15-18, 21, 22, 24, 27-29, and 33-36 respectively depend, are patentable over *Dutta*, *Yau*, and *Oguchi*. Moreover, *Araujo* does not overcome the previously noted problems of *Dutta*, *Yau*, and *Oguchi*. Thus, claims 3-5, 9, 10, 12, 15-18, 21, 22, 24, 27-29, and 33-36 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 11, 23, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of *Yau*, *Oguchi*, and *Araujo* and further in view of *Lopke*. The Applicants respectfully traverse the rejection. As shown above, claims 1, 13, and 25, the base claims from which claims 11, 23, and 35 respectively depend, are patentable over *Dutta*, *Yau*, *Oguchi*, and *Araujo*. Moreover, *Lopke* does not address the previously noted shortcomings of *Dutta*, *Yau*, *Oguchi*, and *Araujo*. As such, claims 11, 23, and 35 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 37 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of *Yau* and further in view of *Araujo*. The Applicants respectfully traverse the rejection. Claim 37 recites a method for optimizing private network file transfers comprising, among other features, “determining that the second node is part of the same private network as the first node,” where the first node and the second node are part of a peer-to-peer network. As previously discussed, neither *Dutta*, *Yau*, nor *Araujo*, either alone or in combination, discloses determining that a second node is part of a same private network as a first node where the first and second nodes are part of a peer-to-peer network. Thus, claim 37, along with claim 47, which depends therefrom, is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 38-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of *Yau* and *Araujo* and further in view of *Oguchi*. The Applicants respectfully traverse the rejection. As shown above, claim 37, the base claim from which claims 38-41 ultimately depend, is patentable over *Dutta*, *Yau*, and *Araujo*. Additionally, *Oguchi* does not address the previously noted shortcomings of *Dutta*, *Yau*, and *Araujo*. Thus, claims 38-41 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 42 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dutta* in view of *Yau*, *Araujo*, and *Oguchi* and further in view of *Lopke*. The Applicants respectfully traverse the rejection. As indicated above, claim 37, the base claim from which claims 42 and 43 ultimately depend, is patentable over *Dutta*, *Yau*, *Araujo*, and *Oguchi*. In addition, *Lopke* does not overcome the previously noted problems of *Dutta*, *Yau*, *Araujo*, and *Oguchi*. Therefore, claims 42 and 43 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,
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